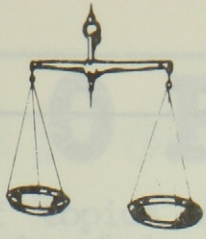


Quid Novi



VOL. VII NO. 13

McGILL UNIVERSITY FACULTY OF LAW
FACULTE DE DROIT UNIVERSITE MCGILL

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MCGILL UNIVERSITY

Skit Nite '87

by Teresa Scassa

If criminal law is society's way of keeping mindless vendettas from ripping apart the social fabric, then Skit Nite must be what lets everyone's favorite professors sleep easier at night. As an institutionally approved channel for venting the inevitable frustrations of law school, Skit Nite has become a widely popular annual event.

Of course, Skit Nite is more than just a delicious aping of professional idiosyncracies. Traditionally, it is viewed as a charity fund-raising event. Last year, a high energy campaign for funds raised an unprecedented \$3,500 for the Old Brewery Mission.

The Mission appears to have become Skit Nite's regular "cause"! The Old Brewery provides food and shelter for Montreal's homeless and starving men. However, reasons for staying with this charity go beyond tradition. It receives relatively little government funding and depends largely on private donations. The government cutbacks and financial hard times have swelled the numbers of homeless and hungry on Montreal streets. The kind of money raised by Skit Nite last year constituted a substantial and essential supplement to the Mission's strained budget.

This year the Skit Nite crew is determined to exceed last year's phenomenal results. Fundraising occurs along two lines. First, contributions are actively solicited from law firms, businesses, students, professors and alumni. Donations are recognized in the show's programme. Money is also raised from sales of tickets, t-shirts and beer. This latter income goes to offset the actual costs of the show.

The show itself requires the energy of a wide segment of the law school community. Writers, actors, stage crew, and organisers are needed to produce the evening of entertainment.

The organisers of this year's event, Ken Aboud and Kevin Kyle have already started the machinery rolling for the big event. The

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WHO IS DUNCAN KENNEDY?

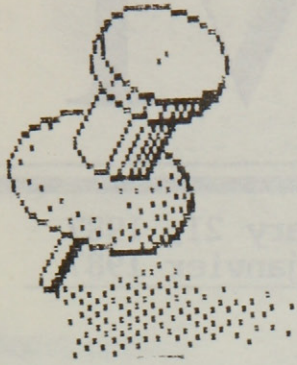
by Judy Kennedy
BCL III

For starters how's "the bad boy of Critical Legal Studies"? Member of a group of three young Harvard profs (with Roberto Unger and Morton Horwitz) who, in the seventies, blasted the discipline into social consciousness. Generator of the quick quotable directed at the sacrosanct of the legal profession, particularly its teaching branch. Astute politician in effecting change. Creator of ill will within the Harvard Faculty. Challenger of the legitimacy of hierarchy throughout The Profession.

Bad Boy indeed!

Chords of sympathetic anxiety are struck when a McGill law student reads his article on Legal Education as Training for Hierarchy (on reserve in our Library in David Kairys' *Politics of Law*). He fingers compulsory moots, exams (even of the non-100% variety), censure for lack of "legal reasoning", legal drafting assignments as some causes of the pervasive feeling of inadequacy. Affecting law students in such alarming proportions. He characterizes life in legal halls of learning as Kafkaesque.

Cont'd on p. 4



ANNOUNCEMENTS

NOTICE

Due to a conflict with feeding schedules, Mssrs. G. Raphe and C. Lyon have been forced to withdraw from first year moots. The generosity of the Moot Court Board in allowing them to register for this unique form of vivisection is deeply appreciated.

With regrets,

Mr. Don Key
Director, Granby Zoo

PERIOD II

APPELLANTS & RESPONDENTS:

JOHNSON/SUNNENSCHN
RAPHE/LYON
COLUMBO/CHUKSI
WILSON/McLAUGHLIN
MUNROE/QUON
LANNAN/EMBREE
PLATTS/STEFFEN

Notice to all Students Re: Banquet

The LSA is presently looking for people interested in organizing this year's banquet. It is precisely at this time their work on this project takes place. So, if you're looking to have a hand in putting together a great party, please leave a message with your name and number in the LSA mailbox of Dee Prando (or you can contact her directly). Everyone's contribution will be greatly appreciated. Please let us know soon!

Cancellation

The Criminal Law Group will not be presenting M. Jean-Claude Hébert on January 21st due to unforeseen circumstances beyond our control.

U.S. Bar Review Course

Tapes for the U.S. Bar/Bri Review Course are scheduled to arrive on March 1. All those planning to participate should contact Shari Moidel to pay their fees and receive the necessary materials.

Prompt Retablissement

Le Quid a appris que Mme Higgins du bureau d'admission sera absente quelques semaines pour cause de maladie.

Nous voudrions lui souhaiter un prompt retablissement.

Constitution Committee

The LSA is looking for three students to sit on the "Constitution Committee", whose mandate shall be to research and draft possible changes to the LSA constitution on its own initiative or at Council's request.

Shoe

By Jeff MacNelly



EDITORIAL

Ten times a term, the Quid office receives a copy of the Harvard Law Record, "America's Oldest Law School Newspaper". Harvard being Harvard, theirs is a finely typeset package that puts our craggy weekly to shame. But once the moneyed gloss is scraped away, their stuff is not a whole lot better than ours. Indeed, if one goes behind the storied status of Harvard Law School itself, one would likely find that the quality of education its students receive is also not a whole lot better than ours. So there's no point to proceeding in the tiresome tone of any Canada-U.S., cross-faculty penis envy.

What is, however, impressive about Harvard Law School is the calibre of speakers it manages to attract. In almost every issue, the lucky staffers on the Law Record have had a diverse calendar of events from which to draw items for their newspaper and its readers. In the first term alone, HLS guests included astronomist Dr. Carl Sagan, Filipino President Corazon Aquino, civil rights activist Rev. Jesse Jackson, Moral Majority founder Dr. Jerry Falwell and United States Supreme Court Justices Harry A. Blackmun and William J. Brennan Jr.

I wish we on Quid Novi had as much to write about. A couple of years ago when Faculty groups were more highly visible, there were often one or two guests a week speaking at McGill Law School. Now there are hardly ever any.

Like the United States, Canada has no shortage of compelling personalities suitable to discuss a

variety of topics related to the study of law. Why doesn't Censorwatch invite Mary Brown to try to legitimize the scissorhappy tendencies of the Ontario Censor Board? Why doesn't the Criminal Law Group invite Edward Greenspan, Q.C. for his thoughts on defending rich wife-killers such as Demeter and Buxbaum? Why doesn't the McGill International Law Society invite Stephen Lewis to talk about his role at the United Nations? Why doesn't Lawyers for Social Responsibility invite Pauline Jewitt to describe Canada's crate in the American arsenal? Why doesn't Women and the Law invite Chaviva Hosak to update the obstacles facing female professionals? Why doesn't Forum National invite Brian Mulroney to explain... well, a lot of things?

Some of the answers to these questions are obvious: big names have tight schedules. They may also have expenses too high for the victims in this age of underfunding. And faculty groups do, after all, have important priorities aside from any speaker's programme. (Perhaps there should be a distinct group exclusively composed to attract guest speakers.) But Montreal is a major urban centre and McGill University is a prestigious institution. Hell! It's "Harvard North!" I'm willing to bet that at least some among the names I have dropped above would find their way clear through their expense accounts and day-planners to make a trip to Chancellor Day Hall.

The requests are worth making. Sadly, however, as any club that has ever

invited a speaker to the Faculty well knows, guest speakers will have to be widely known if their hosts are to be spared the embarrassment of waiting that nervous extra five minutes for students who never do show to fill the empty chairs. And for those who still may be unable to make the date, the Quid would be thrilled with the opportunity to tell them all about it.

Editorial

by Andy Orkin

Last term, just before exams, roofers applied tar to the Stewart Biology Building. Last week Soviet smoke blanketed the Faculty of Law. Both events illustrated the fact that in New Chancellor Day Hall, everyone breathes the same air. Whether you were taking a pee in a basement washroom or a nap in a corner of the library on the sixth floor, the acrid smells reached your nose.

This was the central reason that led a group of non-smokers two years ago to seek to have New Chancellor Day Hall declared a smoke-free zone. The times caught up with their proposal: for example, a labour tribunal ordered the same for all federal workplaces, Air Canada and Greyhound the same for their planes and buses, and many jurisdictions began enacting smoke-free laws.

So a year ago the Dean, to his credit, appointed a committee of smokers and non-smokers to recommend a solution for the faculty. The committee's task was a tough one. First, staying civil to one another while

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Soviet Konsulate « Red Hot »

by Joani Tannenbaum

Undoubtedly the big questions on everyone's mind are "Why," "What," and "Where." Why did the Soviets refuse to allow Montreal's firefighters (who, by the way, arrived on the scene in red fire-trucks) access to the consulate as flames burned with all the fervour of the October Revolution? Why did the Soviets attempt vainly to extinguish the raging blaze themselves using primitive methods such as axes, garden hoses, and buckets of snow instead of taking advantage of modern Western sophisticated technology, such as water hoses? Why did con-

sulate staff members grab "certain specific documents" and disappear into secret tunnels? And, pray tell, where do these underground passages lead? What were those documents so precious that man would risk life and limb to ensure their safety (or perhaps to preserve their confidentiality)?

And finally, the \$64,000 question: Could it be the Soviet G-Men were in the midst of eliminating important papers, and got a little carried away? The mystery remains. So too the lingering questions and rampantly spreading suspicions! Enquiring minds want to know.

Armed Robbery?

MANCHESTER, England

Ambulance men, a policeman and a nurse worked for two hours to free a shopkeeper whose hands had been stuck to the counter with instant glue by an armed robber.

Derek Ryan was left glued to the spot and yelling for help Monday after the gunman shouted "This is a stickup," then spread glue over the counter and ordered, "Stick your hands down in that," police said.

A passer-by fetched a policeman, but he could not free Mr. Ryan. An ambulance crew failed as well. Finally, a call to a hospital brought a nurse with a bottle of special solvent to dissolve the glue.

The robber fled with the equivalent of \$1,530 (Canadian).

Who is Duncan Kennedy?
Cont'd from p. 1

Applying some of his ideas to the design of a law school, Kennedy drafted a proposal (also on reserve chez-nous) which he termed, given his basis of operation, as utopian. A bag-full of off-the-wall concepts, it's guaranteed to shock. That the group of three has grown to a "faction" reputed to be splitting the profession bespeaks of widespread chord touching.

Duncan Kennedy will speak to students, staff and faculty of McGill Law on March 9th. Wits may be sharpened in Student Seminars prior thereto. Watch for signs.

The Pre - Law Year

or
**"Oh no, not another set of
 semi-obligations!"**

by Joseph Kary

There are a lot of things to criticize in the Admission Committee's proposal to require CEGEP applicants to law school to go through a university level Law Preparatory year (discussed in the *Quid* before exams - remember?). There is the discouraging effect it will have on many Quebec applicants, as well as that of adding more bureaucratic rules to a faculty that's already awash in them. The most outstanding problem, however is with the list of courses that Law Prep students would be expected to take. Roughly 70% of the courses would be social science courses and of those, over half would be political science, history, and economics courses.

This is, of course, a complete reversal of long-standing faculty policy. Admissions materials have always told us that there is no "best" way to prepare for law school, and that a meteorologist is, in principle, as eligible to become a good lawyer as a political scientist. This view makes a lot of sense. In a faculty that offers such diverse courses as Medical Law, Linguistic and Literary Approaches to the Law, Computers and the Law

and Aboriginal Peoples and the Law, not to mention all those in legal philosophy, it is desirable to attract a broad mixture of students from a variety of academic backgrounds. Indeed, this diversity is often as important to the legal profession as it is to the law school. Law firms specializing in patent law, for example, usually want to hire lawyers with science or engineering backgrounds. And there was an ad posted in the faculty just recently for a law student with experience in the health care profession. Still, the Admissions Committee seems to think that courses in history, political science and economics better prepare people for law school than other courses.

Furthermore, if the Admissions Committee proposal says anything about the perspective from which they judge non-CEGEP applicants, then the law school has been deceiving a lot of would-be lawyers about what it's looking for in an applicant. Whether it has or it hasn't been deceitful, the requirement seems bizarre regardless. Why is a course in economics more important to a lawyer than courses in sociology, or social work or anthropology? With all the legal problems arising out of new technology and new medical problems, shouldn't pre-law

students be encouraged to know as much about engineering and biology as about political science?

Another problem with the proposal has to do with the 3.4 G.P.A. which will be required for a student to proceed into law school from the pre-law year. It would, for example, discourage francophone students, who would not only have to do an "extra" year at McGill that they otherwise would not have had to, but who would also, in effect, have to get "A's" in roughly 6 out of 10 courses taken in a foreign language. If they didn't achieve this standing, then the whole year would be wasted. On top of this, if any student who did not manage the 3.4 G.P.A. wanted to continue towards his/her B.A. or B.Sc. in a program other than history, political science or economics, then he/she would have already used up a large proportion of their electives on courses that they may not have interested them in the first place.

If some extra training of CEGEP grads is necessary, why not simply require one year of university studies from any university, with no restrictions on courses taken? In a faculty that contains teachers with degrees in pharmacology, English, and Russian literature, this seems like a more sensible course. Furthermore, if medical school can encourage applicants with philosophy and English literature degrees, then law school can surely be a little more receptive to those of us with backgrounds in physics and biology.

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SPRING BREAK (PART TWO)

by Brad Condon

For those of you not planning to fly out of town for spring break, la belle ville provides a nightlife that is sure to warm your blood. You can spend a day getting away from it all without even leaving the island for another.

Sunday brunch is always a nice way to begin a day. For something elegant, try Au Cepage in Old Montreal, one block west of Notre Dame church on Notre Dame. It's best to make a reservation. For something different, try Beauty's at Mont Royal and St. Urbain. It's most fun when there is a lineup and it's crowded and noisy. Cafe Laurier, in Outremont, also serves a nice but expensive brunch buffet.

After brunch, you'll want to stretch your legs. Try walking through Old Montreal or on Mount Royal. If you're feeling energetic, go skating or cross-country skiing on the mountain. You'll discover that winter ain't so bad after all.

After you've had your early evening nap you'll be ready to go out on the town until five in the morning. Try the Peel Pub for amazingly cheap food and beer, on the corner of Ste. Catherine and Peel. After a few pitchers of beer (\$5.50 each) and a few hours of shooting the breeze, all your cares will

vanish. After the bouncer has forced you to drink up and leave by midnight, you can stumble around the corner to the Sphinx club, on Stanley St., where beer is only \$1.50 on Tuesdays and the dancing is good. You'll have to leave by 3 a.m., so stroll west on Ste. Catherine for a bite to eat at Kojax (I like the Yero with garlic sauce). When you've been drinking beer all night, this "food" really satisfies, but whatever you do, DON'T light a match in the vicinity of your derriere the next day. Who knows? The old beer - Kojax - match combination could have started the fire at the Soviet Consulate last week. (Diplomatic immunity does not help at Kojax!)

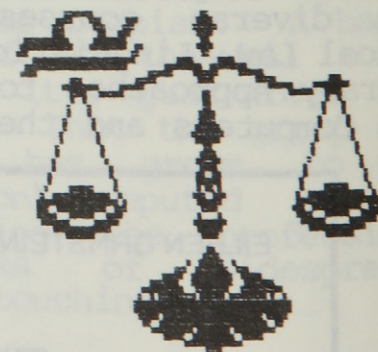
If you are looking for a more elegant evening, Biddles (on Aylmer, below Sherbrooke) and L'Air du Temps (on St. Paul West in Old Montreal) will both provide you with a laid-back evening of jazz. Lola's Paradise (on St. Laurent, just north of Prince Arthur) is elegant, cozy and, alas, expensive. Business (St. Laurent and Milton) is chic and the "in" place to go. Les Foufounes electriques (on Ste. Catherine, one block east of St. Laurent) is a "Hallowe'enie", anything goes kind of place, where you can feel right at home dancing by yourself alone, with some other rather strange-looking characters. Chez Swann (on Prince

Arthur, east of St. Laurent) is a top forty bar where you can meet the man or woman of your dreams.

When the bars close down, it's fun to take a walk on the wild side and go for a steamie (all-dressed) and some fries on St. Laurent. There, you can have a contest to see who can spot a prostitute first and then try to guess which ones are real women. If you feel like some smoked meat, try Ben's on deMaisonneuve or The Main (don't order the "fat" smoked meat) or Schwartz, both on St. Laurent, north of Pine. Further up St. Laurent are Kild, with amazing desserts, and Lux, which is a very interesting concept in late-night dining (it's a combination magazine store-depanneur-coffee-bar-restaurant).

There are plenty more places to go, but the foregoing should give you plenty of places for Spring Break (or this week, for that matter) and still leave you lots to discover on your own.

Bon voyage!



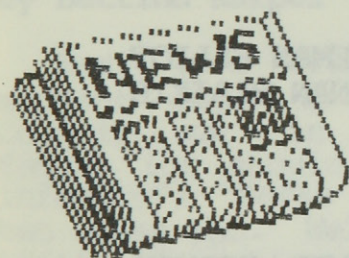
Skit Nite '87

Cont'd from p. 1

show has been christened "Saturday Nite Law." A deadline for written skits has been set for February 20th. Several meetings have already been held to recruit worker's and generate ideas. Everyone is welcome to participate in virtually any capacity.

Skit Nite is the student body's big chance to raise a great deal of money while mocking all things legal. It's a fun event, but requires a lot of work. Students with time, talent or money are urged to contribute.

Meanwhile, the next time a professor humiliates you in class, makes you waste money on useless casebooks, refuses you a course change or assigns 300 pages of reading for the next day, just sit back in your seat and smile. Skit Nite is judgement day for all professorial excess. And judgement day this year is March 19th.



Editorial

Cont'd from p. 3

the non-smokers were zealous about their goals and the smokers chain-smoked at meetings was not easy. But second: how to slice the pie in a way that took the architectural realities of the buildings into account and yet did not ignore the very real needs of smokers for places to meet, eat and study?

The committee, amazingly and after many meetings, managed a final report. It recommended that NCDH be a smoke-free building, and that designated smoking areas be set aside in OCDH. These were to include the whole cafeteria, with the exception of queues. Dean Macdonald accepted the recommendation. Larger areas were designated smoking, by virtue of the Law Journal move.

The Quid Novi interviewed the Dean at the start of the last term about his decision. He said he'd decided that the Caf was to remain half smoking and half non-smoking because seating in the Pit had shrunk. But this change then somehow got lost in the shuffle, and a member of the committee reported in the Quid that the Dean had decided that the Caf was a smoking area.

A new generation of non-smokers is now upset about a smoky Caf, and the petitioning, organizing and grouping of factions has begun again. This is a real pity. The recommendations of the Dean's committee needed fine tuning, but

were basically sound. The new policy has worked. Their implementation, however, has been less than decisive, and the confusion has allowed frustrations (shades of the language debate...) to develop.

The Dean should look the situation over, and make a prompt decision. He has, to his further credit, completed a lengthy process of consultation. Whatever decision he now makes cannot be seen as arbitrary. If the Caf is to be all "smoking", there should be more seating in the Pit. If not, half should be "smoking" and half "non". Smokers will have to accept a shrinking world with equanimity, and non-smokers must make some compromises on the rate of shrinkage.

The Dean should then post some memos over his signature, and see that some clear smoking and non-smoking signs are put up in the faculty (like next week). This might just head off a re-debate of the entire issue. That would be an unnecessary and destructive waste of time and energy.



"A 300-year sentence is not so bad nowadays.
With good behavior you can be out by August."

CAREERS DAY

JANUARY 28th

ROOMS: 202, 203, COMMON ROOM

**NOON - 3 P.M.: FIRMS WILL BE SET UP IN BOOTHS
TO ANSWER QUESTIONS (N.B.
ONTARIO DEADLINE FOR SUMMER '87
IS FEBRUARY 1ST! B.Y.O.C.V.)**

**3 P.M.: WINE AND CHEESE IN THE COMMON
ROOM.
OPEN TO ALL STUDENTS!**

**MCMASTER MEIGHEN
OGILVY RENAULT**

**MARTINEAU WALKER
LAPOINTE ROSENSTEIN**

**ROBINSON, SHEPPARD
MCALLISTER, BLAKELY**

**DAVIES, WARE & BECK
GOODMAN AND CARR**

**BARRIGAR & OYEN
OSLER, HOSKIN & HARCOURT**

**OFFICE OF OFFICIAL GUARDIAN
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BARREAU DU QUEBEC**

**BYERS CASGRAIN
CAIN LAMARRE LAROCHE**

**SPIEGAL SOHMER
LAVERY, O'BRIEN**

**FASKEN & CALVIN
MCCARTHY & MCCARTHY**

**BASTEDO COOPER
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